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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,941	03/19/2002	Nao Sone	121.1033	6302
21171	7590	07/26/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/099,941

Applicant(s)

SONE, NAO

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

91

***Response to Amendment***

1. The amendment filed on 5/12/05 has been entered. New claim 16 is added, claims 15 is canceled and claims 1-14 and 16 are now pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5-8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugiyama et al (US 5,870,716).

Sugiyama discloses a store information processor exchanging information with a terminal (fig. 16, 48) including a transaction management unit (home balance sheet) receiving and managing transaction information of a customer (shopper) (col. 1, lines 47-52); at least one terminal connected to a communication network; and a store information processor comprising; a communication unit connecting the store information processor to the communication network (col. 2, lines 57-62; wireless communications between the information processor and the portable terminal over the network); a purchase record management unit (fig. 4, 40) generating a purchase record from the transaction information of the customer (prior purchases, items, mean purchase interval); an estimation unit (col. 1, line 64 to col. 2, line 2; purchase planning) estimating the next purchase date of an item class from a purchase frequency (interval) of the item class calculated from the purchase record (col. 6, lines 23-33, fig. 7); and a notification unit notifying

Art Unit: 3627

the customer of the estimated next purchase date (see abstract, lines 13-16); a store information processor (fig. 16, 48) wherein the notification unit sends an electronic mail message to the customer as the notification (see abstract, lines 13-16). Sugiyama further discloses a store information processor (fig. 16, 48) wherein the notification unit notifies the customer of the estimated next purchase date of an item class designated by the customer or by a store before the estimated next purchase date (see abstract, lines 13-16), a purchase information display unit displaying the information on a display screen of the display unit (fig. 1, 13), inherently discloses an information processor having the purchase information and is capable of prompting a customer to purchase an item as an estimated purchase date is near (see abstract, lines 13-16, fig. 10, 102).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 9, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al (US 5,870,716) in view of Ishikawa (US 2002/0038264 A1).

The same rejection to claims 1 and 12 applies. Sugiyama does not disclose a store information processor that includes an advance order unit but Ishikawa teaches a store information management system that enables a consumer or potential customer to make an advance order of a desired item (page 1, [0007], lines 1-6), an advance order information display

Art Unit: 3627

unit displaying the information about the advance order on a display screen of the display unit (figs. 13-21, click to reserve). The store information management system can receive and manage information about advance order items to be purchased (fig. 1, 10.i). The combination of Sugiyama and Ishikawa would also provide a store information processor wherein the advanced order unit sends sales information for item belonging to the item class or group of items as claimed (see Sugiyama, col. 8, lines 11-32). Furthermore, Sugiyama discloses a store information processor having the purchase information and is capable of prompting a customer to purchase an item as an estimated purchase date is near (see abstract, lines 13-16, fig. 10, 102). When the system notifies the customer to purchase a product, it is clear that the system considers such product as a replenishable item and that customer is reminded to purchase said product.

It would have been obvious to one of ordinary skill in the art to include the advance order unit as taught by Ishikawa into the system of Sugiyama because it would allow consumers to secure a desired item knowing that they can pick it up with great ease of mind.

### ***Response to Arguments***

6. Applicant's arguments filed on 5/12/05 have been fully considered but they are not persuasive.

Applicant argues that Sugiyama does not teach or suggest "estimating next purchase date of an item class from a purchase frequency of the item calculated from the purchase record" and "notifying the customer of the estimated next purchase date." Contrary to Applicant's arguments, Sugiyama's system actually discloses such features because when the customer inputs the purchase date and the purchase interval, the system notifies the customer to get the

Art Unit: 3627

products based on the purchase history of said customer. Furthermore, Applicant argues that the combination of Sugiyama and Ishikawa does not teach or suggest “allowing a user to place an advance order of an item to be purchased by a customer during a transaction process managed by a store information processor at the time of processing of the transaction.” Contrary to Applicant’s arguments, Ishikawa discloses an advance order unit but Ishikawa teaches a store information management system that enables a consumer or potential customer to make an advance order of a desired item (page 1, [0007], lines 1-6, fig. 1). Applicant’s arguments are deemed unpersuasive, claims 1-14 and 16 are finally rejected.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3627

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ronald Laneau*

Ronald Laneau  
Examiner  
Art Unit 3627

7/12/05

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